

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.283 OF 2005

Anil Kumar Lavji Thakkar. ..Applicant.

V/s.

The Supd.of Police, CBI, ACB
Mumbai & Anr. ..Respondents.

Mr.Ganesh Gole i/b Arpan Rajput for applicant.

Mr.Ezaz Khan for respondent No.1.

Mrs.M.H.Mhatre, APP for State.

CORAM: A.M.KHANWILKAR, J

DATE : NOVEMBER 30, 2005.

P.C. :

1. Heard counsel for the parties. Perused the documents on record.

2. It was argued that the main accused No.1 has died and as a consequence of which criminal action against the present applicant, Accused No.2, who has been named only as conspirator, cannot proceed. This submission will have to be rejected in view of my decision dated 8th August, 2005 in Criminal Revision Application No.513 of 2002, in the case of Smt.Maushami Amarnath Batabyal V/s. The State of Maharashtra.

3. Counsel for the applicant would however, contend that there is absolutely no evidence to indicate complicity of the applicant with regard to the charge of conspiracy. This argument plainly overlooks that there is material on record and it is the prosecution case that accused No.1 interpolated relevant documents and each document in turn were used by the applicant to avail of the benefit under those documents. If this is the nature of evidence on record as is rightly noted by the court below, trial will have to proceed against the applicant for the alleged offence. No interference is warranted in exercise of revisional jurisdiction. Rejected.